

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE**  
**MAJOR LAND USE PERMIT REPORT (#FCMU-10-01)**  
**NOVEMBER 23, 2010**

A report to the Flathead County Planning Board regarding a request by Camp Winnakee LLC and Denny Gignoux for a major land use application to allow for the expansion of an existing commercial use. The expansion would be greater than 25 % of existing commercial structures and/or activity areas, and the total use area involves more than 1 acre. The subject property is located in the Middle Canyon Region of the Canyon Area Land Use Regulatory System.

The Flathead County Planning Board will hold a public hearing on the proposed major land use on December 8, 2010 beginning at 6:00 PM in the 2<sup>nd</sup> floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration. Documents pertaining to the application for a major land use permit are available for public inspection at the Flathead County Planning and Zoning Office in the Earl Bennett Building, located at 1035 First Avenue West in Kalispell.

**I. APPLICATION REVIEW UPDATES**

**1. Land Use Advisory Committee/Council**

The proposed major land use is located within the jurisdiction of the Middle Canyon Land Use Advisory Committee. At 7:00 PM on November 30, 2010, the Committee will hold a public meeting in the Glacier Park Headquarters Community Room to review the proposed land use and make a recommendation to the Flathead County Planning Board. This space is reserved for a summary of the Committee's discussion and recommendation.

**2. Planning Board**

The Flathead County Planning Board will hold a public hearing December 8, 2010 at 6:00 pm on the proposed major land use and make a recommendation to the Flathead County Commissioners. This space is reserved for a summary of the Flathead County Planning Board's discussion and recommendation.

**3. Commission**

The Flathead County Commissioners will hold a public meeting on the proposed major land use on a date to be determined. This space is reserved for a summary of the Commission's discussion and decision.

**II. GENERAL INFORMATION**

**1. Application Personnel**

**i. Applicant**

Camp Winnakee LLC  
PO Box 330  
West Glacier, MT 59936

Denny Gignoux  
PO Box 330  
West Glacier, MT 59936

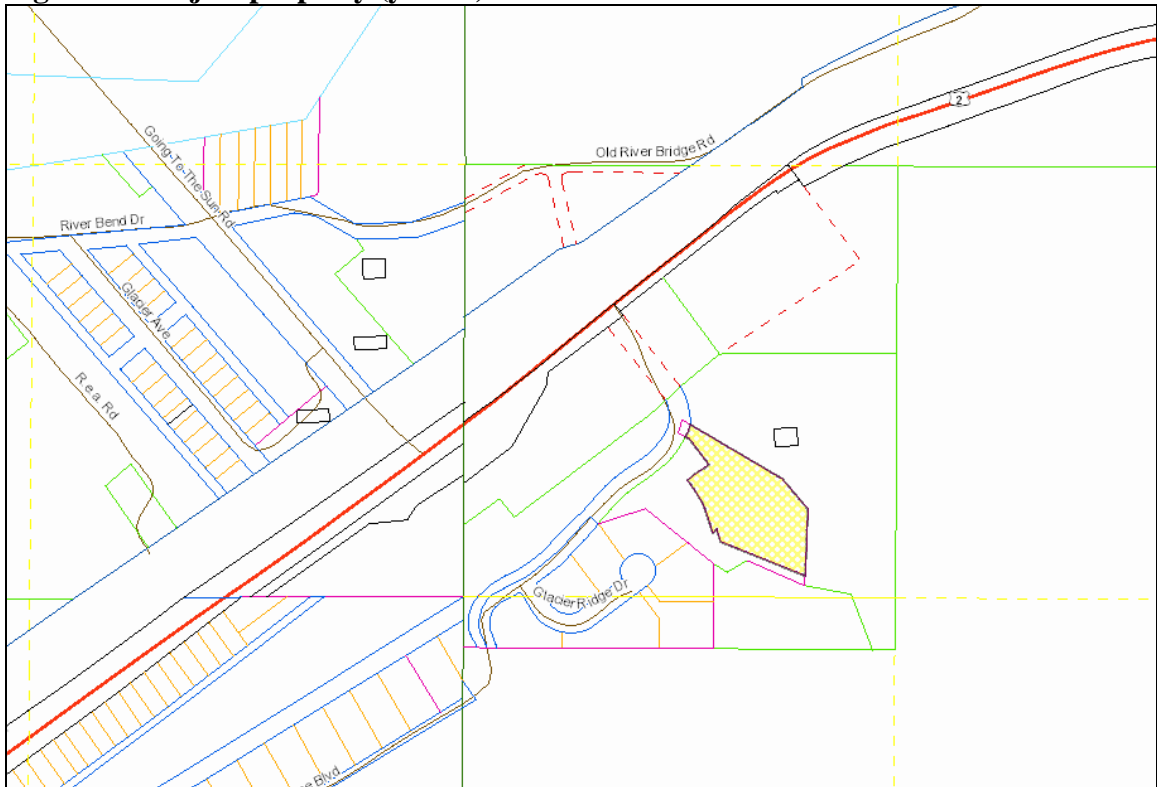
**ii. Landowner(s)**  
Camp Winnakee LLC  
PO Box 330  
West Glacier, MT 59936

**iii. Technical Assistance**  
None

## **2. Property Location and Size**

The property is located at 120 Highline Boulevard in West Glacier, MT (see Figure 1). The property is legally described as Lot 1 of the Amended Subdivision Plat of Glacier Ridge II Subdivision in Section 36, Township 32 North, Range 19 W, P.M.M., Flathead County, Montana.

**Figure 1: Subject property (yellow)**



## **3. Existing Land Use(s) and Zoning**

The property is zoned Middle Canyon in the Canyon Area Land Use Regulatory System (CALURS). The property has historically been used by Glacier Guides in the operation of their eco-tourism business, as a base for day floats and including a commercial kitchen. The kitchen is located in a structure on the northern half of the

property. Other portions of the property have been used for staging commercial floats, customer parking and the businesses' bus parking. The property is accessed from Highline Boulevard, a county road. According to the applicant, the property has been used for commercial purposes prior to the adoption of CALURS. In support of this statement, the applicant has submitted a 1992 brochure for Glacier Wilderness Guides which has a map showing the location of the business on the subject property.

**4. Adjacent Land Use(s) and Zoning**

The adjacent property is zoned Middle Canyon in CALURS. Parcels in the immediate vicinity are utilized for single family residential, vacant land, and a few are used for commercial activities near the intersection of Highline Boulevard and US Highway 2.

**5. Summary of the Request**

The applicant intends to operate an 11 room lodge that provides overnight accommodations. In order to comply with the zoning in place, the applicant has applied for a permit to allow the expansion of an existing commercial use greater than 25 % of existing commercial structures and/or activity areas when the total use area involves more than 1 acre. In June 2009, the applicant applied for and received a Minor Land Use permit for a Bed and Breakfast (refer to FCAP-09-02). The structure was built; however, the applicant was not able to secure approval from the Environmental Health Department for a bed and breakfast establishment, and therefore was not able to meet all the conditions of approval for the Minor Land Use Permit. To remedy this situation, the applicant applied for a Major Land Use Permit to allow a use that could be accommodated by the Environmental Health Department.

The lodge is located on the southern half of the subject property. The addition of the lodge included a reconfiguration of the parking area, a new drain field, new well, improvements to the private gravel drive, improvements to the parking areas along the private drive, and a new trail between the lodge and the existing building.

Following the approval of the Minor Land Use permit #FCAP-09-02, the applicant built the lodge, however the structure did not meet the classification requirements of a bed and breakfast according to the Environmental Health Department. A zoning violation was submitted to the Planning and Zoning Office by a member of the public (refer to #FZT-10-09); the application was subsequently made to resolve this violation as well as issues with Environmental Health.

**6. Compliance With Procedures of a Major Land Use Review**

**i. Pre-application date**

A pre-application was held on August 18, 2010

**ii. Application submittal date**

The application was submitted on September 8, 2010

**iii. Public Review Period**

According to Section 3.3(B)(3)(a) of CALURS, a 60 day review period commences 10 days prior to the Planning Board hearing date. That date is November 28, 2010.

**iv. Decision Deadline Date**

A decision by the Flathead County Commission must be made within the 60 day review period. The 60 day review period ends on January 27, 2011.

**7. Compliance With Public Notice Requirements**

Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within 150 feet of the subject properties on November 15, 2010. Legal notice of the Planning Board public hearing on this application will be published in the November 21, 2010 edition of the Daily Interlake and the November 24, 2010 edition of the Hungry Horse Daily News.

**8. Agency Referrals**

Requests for comments were sent to the following agencies:

- Mike Meehan, Flathead County Sheriff
    - Reason: Within their service area.
  - Jim Chilton, Flathead County Solid Waste
    - Reason: Businesses in the Canyon must use contract haul.
  - Dave Prunty, Flathead County Public Works
    - Reason: Access from a county road.
  - Glen Gray, Flathead City-County Health Department
    - Reason: Proposal requires Environmental Health Services review.
  - Joe Russell, Flathead City-County Health Department
    - Reason: Proposal requires Environmental Health Services review.
  - Coram/West Glacier Fire District
    - Reason: Within their service area.
  - West Glacier School District\ul style="list-style-type: none;">  - Reason: Within their service area.
- Marcia Sheffels, Superintendent of Schools
  - Reason: Area served by County public schools.
- Jed Fisher, Flathead County Weeds & Parks Department
  - Reason: Weeds are part of the considerations in a Major Land Use Review.
- James Freyholtz, MDT
  - Reason: Requested all referrals for land use applications.
- Mike Wyrwas, USPS Billings
  - Reason: Requested all referrals for land use applications.
- Jamie Murray, BPA
  - Reason: Requested all referrals for land use applications.
- Northwestern Energy
  - Reason: There is a gas line on the property.

### **III. COMMENTS RECEIVED**

#### **1. Public Comments**

As of the date of the completion of this staff report, no public comment has been received regarding the proposed Major Land Use application. Any public comment received after 5:00 PM on November 23, 2010 will be summarized verbally and entered into record at the public hearing held by the Flathead County Planning Board.

#### **2. Agency Comments**

As of the date of the completion of this staff report, the following agency comment has been received regarding the proposed Major Land Use application. Any agency comments received after 5:00 PM on November 23, 2010 will be summarized verbally and entered into the record at the public hearing held by the Flathead County Planning Board.

- Doug Yeager, Assistant Fire Chief, Coram West Glacier Fire Department
  - The State of Montana has adopted the 2009 International Fire Code, and the Coram –West Glacier Fire Department also has adopted the 2009 International Fire Code. From this code manual, the Fire Department would like to have the following codes enforced on the above mentioned property:
    - Roadway width, at 30 feet, the approach to Highline Blvd at 40 feet with the brush cleared on both sides of approach for visibility, and the clear height at 13 feet 6 inches. Per IFC 503.2.1 through 503.2.4.
    - Due to the building location on a dead end road, the Fire Department would like a 120 foot Hammerhead turn around installed at the end of road Per IFC Appendix D, D103.4, and IFC 503.2.5.
    - Signage for the address identification be posted Per IFC 505.1. and that the roadway going into the building from Highline Blvd into the Hammerhead turnaround be posted as a no parking fire lane Per IFC 503.3, 503.4.
    - The building itself needs to have an approved automatic sprinkler system installed in accordance with IFC 903.3.1.1. Due to the fact that the Fire Department does not have a 150 foot clear reach from all sides of the building Per ICF 503.1.1 and 503.1.2.
  - Staff Note: Flathead County has not adopted building codes and does not have a building department. Mr. Yeager has stated the State of Montana has adopted these codes. The proposed use is a commercial use within a commercial building and will require a permit from the State of Montana Department of Labor and Industry, the agency that enforces these codes. Flathead County can condition the approval so that the applicant meets all requirements of the State of Montana

Department of Labor and Industry in much the same way the County conditions meeting the requirements of the Environmental Health Department.

- Glen Gray, Flathead County Sanitarian, Flathead City-County Public Health Department
  - The approval of the septic system is limited to no more than 24 people.
  - The approval is for 11 rooms with only one queen bed per room and a 12<sup>th</sup> room for the caretaker.
  - The existing septic and well approval does not constitute an approval to operate.
  - A license from the Food and Consumer Section of the Department of Public Health and Human Service needs to be applied for prior to any future operation.

#### **IV. CRITERIA REQUIRED FOR CONSIDERATION**

The following is an evaluation of the applicable performance standards for a major land use permit as established in Chapter 4 of the Canyon Area Land Use Regulatory System (adopted by Resolution No. 1049A).

##### **1. Outdoor Advertising:**

###### **i. MDOT permit**

The applicant is planning to use an existing sign located at the intersection of US Highway 2 and Highline Boulevard. This sign is roughly 8 feet by 4 feet, or 32 square feet per sign face. The applicant only plans on changing the content of the sign. A permit is not needed from MDOT to change the content of an existing sign.

###### **ii. Signs for commercial businesses**

###### **1. Off premise signs**

The applicant is using an existing off premise sign. The sign is located at the intersection of US Highway 2 and Highline Boulevard. The applicant has changed the content matter of the sign but will not alter the size. Off-premise signs are not permitted in the CALURS district, but the applicant has stated the sign has been located at its current location for as long as the subject property has been used commercially. The Montana Department of Transportation does not require a new permit for changes to existing signs.

**Figure 2: The sign at the corner of Highline Boulevard and US Highway 2.**



**2. On premise signs**

The applicant has installed a single face sign located at the entrance of the lodge off Highline Boulevard. The sign is an oval shape with the width being approximately 4 feet and the height 6 feet. The sign area can only be 20 square feet. Because of the oval shape of the sign, staff estimates the sign is approximately 20 square feet. The sign is less than 15 feet tall, and is not lighted.

**Figure 3: The sign located at the entrance to the lodge.**



**Finding #1-** The proposed major land use application is in compliance with the Outdoor Advertising requirements detailed in the Performance Standards because the size and shape of the sign on US Highway 2 will not be altered and because the sign at the entrance to the facility meets the standards for on premise signage.

## **2. Access and Road Standards**

### **i. Roads providing access**

Access to the subject property is off Highline Boulevard, a paved county road with a 20 foot travel surface. According to mapping available from Flathead County GIS Department, Highline Boulevard has a 60 foot wide access easement. To access the property one must make a right turn off of Highway 2 in West Glacier onto Highline Boulevard, heading south. After traveling approximately 500 feet on Highline Boulevard, make a left turn onto an unmarked gravel driveway. The driveway sits within a 30 foot private easement that traverses an adjacent property for approximately 120 feet and then enters the subject property from the northwest.

Section 4.1(B)(1) of CALURS state for access and road standards that “*all roads hereafter developed providing access to commercial or industrial lots or to new subdivisions from improved county roads shall provide legal, all-weather access and be constructed in accordance with County road standards and be designed to allow ready access to emergency vehicles or those specified in the Flathead County Subdivision Regulations. The developer or property owners shall be responsible for maintenance of access roads. This standard shall not be applied to existing residential driveways or to shared private roads serving tracts of record in existence at the time of adoption of these regulations.*” The subject property is accessed from a shared private access easement off a paved county road. Furthermore, the subject property is Lot 1 of Glacier Ridge Subdivision, which was created prior to the adoption of CALURS (the last survey on the property was the Amended Subdivision Plat of Lot 1 Glacier Ridge II Subdivision recorded in May 6, 1994). Because the subject property is accessed using a shared private road and the tract of record existed prior to the adoption of these regulations, the Access and Road standards in Section 4.1(B)(1) do not apply.

Agency comment from Doug Yeager, Assistant Fire Chief of the Coram West Glacier Fire Department, stated the Department would like certain codes regarding road width, brush clearing, turn-around areas, and “no parking” signage enforced per the 2009 International Fire Code. Flathead County does not have a building department and has not adopted the 2009 International Fire Code. Furthermore, Section 1.6 CALURS states that “*it is not the intent that these regulations be superseded or otherwise supplanted by the provisions of any other county master plan or associated implementing regulations unless specifically referenced by these regulations.*” The International Fire Code has not been referenced within these regulations; therefore these standards cannot



be enforced through this review. However, according to the agency comment, the State of Montana does enforce these codes. The proposed use is a commercial building and will require a permit from the State of Montana Department of Labor and Industry, the agency that enforces these codes. Flathead County can condition the approval so that the applicant meets all requirements of the State of Montana Department of Labor and Industry in much the same way the county can condition the lodge to meet the requirements of the Environmental Health Department.

**ii. New approaches**

The applicant will not be creating a new approach onto Highline Boulevard, but will be changing the type of use on an existing approach. The applicant will need to contact the Flathead County Road and Bridge Department to determine if a new approach permit is necessary.

**Finding #2-** The proposed major land use application is in compliance with the Access and Road requirements detailed in the Performance Standards because the subject property is accessed using a shared private road serving an existing tract of record created prior to the adoption of the CALURS regulations, and the applicant will be required to secure an approach permit from the Flathead County Road and Bridge Department for the access onto Highline Boulevard if necessary.

**3. Sanitation**

**i. Water and Sewer Services**

The applicant has installed a well and a septic system for the lodge. The well and septic system have been reviewed and approved according to Flathead City-County Health Department requirements but have not received final approval to operate. The septic system is approved for a maximum 24 guests at the lodge at any given time. Specifically, the permit identifies 11 rooms with one queen bed per room and 1 caretaker room/facility. The applicant will be required to secure an approval to operate from the Flathead City-County Health Department prior to beginning operations. The applicant will also be required to obtain a permit from the Montana Department of Public Health and Human Services for the kitchen in the lodge.

**ii. Solid Waste**

Solid waste disposal will be handled by a contract hauler. Solid waste is currently stored on site in bear proof containers.

**iii. Livestock standards**

No livestock will be held on the property.

**Finding #3-** The proposed major land use application is in compliance with the Sanitation requirements detailed in the Performance Standards because the well and septic that will serve the lodge have been reviewed and approved by Flathead City-County Health Department for use up to 24 people, solid waste will be handled by contract haul and stored in bear proof containers, and no livestock will be held on the property.

#### **4. Flood Hazard Areas**

According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) #30029C1155G, the subject property is in Zone X. Zone X is identified as areas determined to be outside the 0.2% annual chance floodplain.

**Finding #4-** The proposed major land use application is in compliance with the Flood Hazard requirements detailed in the Performance Standards because the property is in an area determined to be outside the 0.2% annual chance floodplain.

#### **E. Natural Resource Protection**

##### **i. Wetlands and Riparian Areas**

Staff conducted site visits on May 28, 2009 and November 10, 2010 and witnessed no signs of wetlands on the property. There are no wetlands shown by or listed in the National Wetland Inventory on the property.

##### **ii. Federal Land Exchange Standards**

The current configuration of the property was created in May of 1994 by the Amended Subdivision Plat of Lot 1 of Glacier Ridge II Subdivision. This occurred prior to the adoption of CALURS. Therefore the property is not subject to this portion of the review.

##### **iii. Setbacks from water bodies**

Some site disturbance was required to widen the driveway on the property, increase parking, install septic and water systems, create a pathway, and for the construction of the building. None of these improvements occurred within 50 feet of a water body, wetland, and or riparian area.

##### **iv. Weed Control**

The application is not for a subdivision; therefore it is not subject to this portion of the review.

##### **v. Natural Drainages**

None of the proposed site disturbances will block or alter natural drainage areas.

##### **vi. Storm water**

CALURS requires grading and drainage facilities be designed to remove stormwater and prevent accumulation of standing water. The stormwater run-off generated from the building is collected in gutters and diverted to the east and west side of the building. Run-off on the east side is accommodated through natural infiltration; stormwater on the west runs through a pipe to the side of the road and is accommodated through natural infiltration north of the building. The parking lot is graded slightly to the west, where stormwater is diverted into a swale and will infiltrate into the soil.

**Finding #5-** The proposed major land use application is in compliance with the Natural Resource Protection requirements detailed in the Performance Standards because there are no wetlands, streams, lakes or natural drainages on the subject property, the subject property was not created from the sale, trade or

exchange of federal lands following the adoption of the CALURS regulations, and stormwater will be accommodated through infiltration on site.

## **F. Site Development**

### **i. Lot size for new land divisions**

The proposal is not creating a new land division nor is it changing the configuration of any existing lots or parcels.

### **ii. Minimum lot size for placement of new structures requiring water or sewer**

The proposal will be served by an individual well and septic. This section of the site development review is not applicable to this proposal because the lot is not in an area with sewer and water facilities.

### **iii. Building height**

The structure's height does not exceed the 35 foot height restriction.

### **iv. Easements and right of ways**

There is a high pressure gas line across the northern third of the subject property that will not be affected by this proposal. There is an existing private easement for access to the subject property across the neighboring property to the west. The proposal will not require additional easements.

### **v. Public improvements**

The applicant is proposing a private well and septic system. The property is not within 500 ft of an existing sewer or water district, and is not creating lots less than 6,000 square feet. Therefore the proposed use is not subject to this requirement.

### **vi. Utilities**

Utilities are already on site, provided from the public easement on Highline Boulevard. The additional extension of any utilities will be required to be placed underground.

### **vii. Site development and stormwater run-off**

CALURS requires all storm water generated from building sites and parking areas be appropriately accommodated so that it will not affect adjacent streams, lakes, wetlands, property, or public roads. The stormwater run-off generated from the lodge is collected in gutters and diverted to the east and west side of the building. Run-off on the east side is accommodated through natural infiltration; stormwater on the west runs through a pipe to the side of the road and is accommodated through natural infiltration. The parking lot is graded slightly to the west, where stormwater is diverted into a swale and will infiltrate into the soil.

### **viii. Setbacks**

Setbacks for the property are 20 feet from the front of the lot, 20 feet from the rear and 10 feet from the side. The structure is in compliance with the setback requirements.

### **ix. Parking design and requirements**

Parking design and requirements are set forth in Sections 6.01-6.10 FCZR.

Section 6.03.010 Flathead County Zoning Regulations requires 1 space per room rented plus 1 space for every 2 outside employees of maximum shift for a hotel or lodge. The application is for 11 rooms, plus 2 employees for a minimum 12 spaces. The site plan submitted in the application shows 17 spaces and the applicant has stated additional parking is available at the existing structure for employees, if needed. In addition to the required parking spaces, the design of the parking area complies with all provisions set forth in Section 6.01.030 FCZR.

**x. Landscaping**

A large portion of the property will remain in its natural vegetative state. The portion that will remain in its natural vegetative state is greater than 10% of the required area setback area. The proposal is compliant with this requirement.

**xi. Slope**

Commercial developments, on slopes greater than 25%, require a specific site plan by a licensed engineer. The proposed building and its associated improvements are not in an area with 25% or greater slope.

**xii. Commercial or industrial ridge line development**

The proposed use is situated between two ridges and will not be visible from Highway 2.

**xiii. Clustering (new lots)**

Clustering is not applicable to this project.

**Finding #6-** The proposed major land use application is in compliance with the Site Development requirements detailed in the Performance Standards because the proposed use will not be creating new lots, is not in an area where public sewer and water are available, the building height is less than 35 feet, the proposal will not affect existing easements or require additional easements, the proposal meets all setback requirements, public improvements are not required and utilities are available to serve the property and will be placed underground as required.

**Finding #7-** The proposed major land use application is in compliance with the Site Development requirements detailed in the Performance Standards because storm water can be accommodated on site without affecting any water bodies or natural drainage areas.

**Finding #8-** The proposed major land use application is in compliance with the Site Development requirements detailed in the Performance Standards because the applicant exceeds the minimum parking requirements.

**Finding #9-** The proposed major land use application is in compliance with the Site Development requirements detailed in the Performance Standards because additional landscaping is not required, no portions of the property with greater than 25% slope will be affected, the lodge is not on a ridge top visible from US Highway 2, and clustering is not applicable.

#### **G. Planned Community Standards**

The proposal does not involve a planned community; this section of the CALURS system is not applicable to the proposal.

**Finding #10-** Planned Community Standards are not applicable because the proposal is not a planned community.

#### **H. Dog Day Care Standards**

The proposed use is not for Dog Day Care; this section of the CALURS systems is not applicable to the proposal.

**Finding #11-** Dog Day Care Standards are not applicable because the proposal is not for a dog day care facility.

### **V. PERFORMANCE GUIDELINES**

This section is intended to provide guidelines, as opposed to mandatory standards, to the development of new uses. The listed guidelines should be incorporated into project design whenever practical. Because the performance standards are not mandatory, no findings of fact will be made.

**1. Developments should be designed and constructed to minimize cutting and filling of slopes.**

A minimal amount of cutting was required on the east side of the building. The majority of the building site was flat or gently sloping, therefore cut and fill was minimized.

**2. Developments should be designed and constructed to minimize the disturbance of trees and other natural vegetation, soils, stream banks, and lakeshores. Disturbed soils should be re-vegetated within the earliest growing season with plant species native to the region.**

The development leaves most of the natural vegetation intact, wherever feasible. Areas disturbed have been re-vegetated.

**3. New growth is encouraged to locate near existing community centers.**

The subject property is located in close proximity to West Glacier.

**4. The proposed building, structure, or alteration will not obstruct, hinder, impede, or conflict with road, water, sewer, power, and any other public or utility services presently provided or any reasonable or foreseeable extension thereof.**

The lodge will not obstruct, hinder, impede or conflict with any facility, utility, or road.

**5. Expansion of existing commercial uses is preferred over the establishment of new commercial uses outside of established community service centers.**

The lodge is an expansion of an existing commercial use.

**6. New commercial uses and residential subdivisions should be located within a rural fire district or be able to obtain contract services from a fire fighting agency.**

The subject property is located within the jurisdiction of a rural fire district.

7. **Use of unpainted metal siding on commercial buildings visible from U.S. Highway 2 is discouraged.**

The lodge is not visible from US Highway 2.

8. **New development should minimize disturbance of forest and other vegetation associations in proximity to the footprints of the structure(s), roads, etc.**

The amount of vegetation disturbed was minimal.

9. **New roads should provide suitable access to serve the intended uses without excessive road width, looping, or fragmentation of habitats. Paving of roads is encouraged especially in close proximity to existing community centers.**

New roads were not required for the expansion of use.

10. **Clustering of uses is encouraged so as to minimize the area of actual disturbance or alteration of habitat features.**

The proposed use is not a subdivision and clustering is not applicable.

11. **Site planning should encourage the siting of new structures away from critical habitats including wildlife movement corridors.**

The subject property does not have any known critical habitats or wildlife corridors.

12. **Subdivision approval of additional lots should consider impacts to school enrollment and to other public services**

The proposal is not a subdivision.

## **VI. SUMMARY OF FINDINGS**

**Finding #1-** The proposed major land use application is in compliance with the Outdoor Advertising requirements detailed in the Performance Standards because the size and shape of the sign on US Highway 2 will not be altered and because the sign at the entrance to the facility meets the standards for on premise signage.

**Finding #2-** The proposed major land use application is in compliance with the Access and Road requirements detailed in the Performance Standards because the subject property is accessed using a shared private road serving an existing tract of record created prior to the adoption of the CALURS regulations, and the applicant will be required to secure an approach permit from the Flathead County Road and Bridge Department for the access onto Highline Boulevard if necessary.

**Finding #3-** The proposed major land use application is in compliance with the Sanitation requirements detailed in the Performance Standards because the well and septic that will serve the lodge have been reviewed and approved by Flathead City-County Health Department for use up to 24 people, solid waste will be handled by contract haul and stored in bear proof containers, and no livestock will be held on the property.

**Finding #4-** The proposed major land use application is in compliance with the Flood Hazard requirements detailed in the Performance Standards because the property is in an area determined to be outside the 0.2% annual chance floodplain.

**Finding #5-** The proposed major land use application is in compliance with the Natural Resource Protection requirements detailed in the Performance Standards because there are no wetlands, streams, lakes or natural drainages on the subject property, the subject property was not created from the sale, trade or exchange of federal lands following the adoption of the CALURS regulations, and stormwater will be accommodated through infiltration on site.

**Finding #6-** The proposed major land use application is in compliance with the Site Development requirements detailed in the Performance Standards because the proposed use will not be creating new lots, is not in an area where public sewer and water are available, the building height is less than 35 feet, the proposal will not affect existing easements or require additional easements, the proposal meets all setback requirements, public improvements are not required and utilities are available to serve the property and will be placed underground as required.

**Finding #7-** The proposed major land use application is in compliance with the Site Development requirements detailed in the Performance Standards because storm water can be accommodated on site without affecting any water bodies or natural drainage areas.

**Finding #8-** The proposed major land use application is in compliance with the Site Development requirements detailed in the Performance Standards because the applicant exceeds the minimum parking requirements.

**Finding #9-** The proposed major land use application is in compliance with the Site Development requirements detailed in the Performance Standards because additional landscaping is not required, no portions of the property with greater than 25% slope will be affected, the lodge is not on a ridge top visible from US Highway 2, and clustering is not applicable.

**Finding #10-** Planned Community Standards are not applicable because the proposal is not a planned community.

**Finding #11-** Dog Day Care Standards are not applicable because the proposal is not for a dog day care facility.

## **VII. RECOMMENDATION**

Based upon the review of criteria required for a major land use permit, staff recommends the Flathead County Planning Board adopt staff report FCMU-10-01 as findings of fact and recommend approval of the Major Land Use application to the Flathead County Commissioners.

## **VIII. CONDITIONS**

1. The occupancy of the lodge shall be no more than 24 people, with 11 guest rooms and 1 caretaker room.

2. The applicant shall receive permission to operate the lodge in writing from the Flathead City-County Health Department prior to operation. The written permission shall be available to the Flathead County Planning and Zoning Office upon request.
3. Any sign erected or altered advertising the lodge must comply with all standards of the Outdoor Advertising section found in Chapter 4 of CALURS.
4. If necessary, the applicant must obtain a new or revised approach permit for the lodge from the Flathead County Road and Bridge Department. The approach must be constructed and receive final inspection prior to operation of the lodge. If a new or revised approach is required, the approved permit must be available to the Flathead County Planning and Zoning Office upon request.
5. All new electrical and telephone utilities shall be extended underground.
6. Solid Waste removal shall be provided by a contracted solid waste hauler. All solid waste stored outside shall be stored in bear proof containers.
7. The applicant shall obtain an approved permit from the Department of Public Health and Human Services for the lodge establishment prior to operation. The written approval must be available to the Flathead County Planning and Zoning Office upon request.
8. The address of the property must be visible from the sign located at the entrance to the private drive providing access to the lodge from Highline Boulevard.
9. The applicant shall apply for and receive the required building permits from the Montana Department of Labor and Industry prior to operation of the lodge. The permits shall be available to the Flathead County Planning and Zoning Office upon request.